

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

EDWARD LINKER and Wife, TERRI LINKER,)	
)	
)	
Plaintiffs,)	
)	
v.)	No. 07-2753-STA
)	
STANISLAUS ODOH and TRANSAM TRUCKING, INC.,)	
)	
)	
Defendants.)	

**ORDER GRANTING PARTIAL SUMMARY JUDGMENT AS TO LIABILITY OF
DEFENDANT TRANSAM TRUCKING, INC.**

Before the Court is Plaintiffs' Motion for Partial Summary Judgment as to Liability of Defendant TransAm Trucking, Inc. (D.E. # 28) filed on March 28, 2009. In their Motion, Plaintiffs seek the entry of partial summary judgment on the following matters:

(1) TransAm Trucking, Inc., owned the truck Mr. Odoh was driving at the time of the wreck;

(2) Stanislaus Odoh was driving that truck for TransAm's benefit at the time of the wreck;

(3) Mr. Odoh's negligence caused the wreck;

(4) TransAm is responsible for Mr. Odoh's negligence;

(5) No person, entity, or thing other than Mr. Odoh caused or contributed to causing the wreck that is the subject of this case; and that, accordingly,

(6) TransAm is liable as a matter of law for the negligence that caused the wreck that

is the subject of this case.

Defendant TransAm Trucking does not oppose Plaintiffs' Motion as to the issue of liability alone. Defendant has previously admitted its liability in its Answer, its discovery responses, and its Responses to Requests for Admissions. In its response to the Motion before the Court, Defendant has admitted all of the facts presented in Plaintiffs' Statement of Undisputed Facts in support of the Motion. Nevertheless, Defendant does contend that there continues to be a genuine issue as to the existence and amount of compensatory damages in this case. Defendant cites Fed. R. Civ. P. 56(d)(2) which states, "An interlocutory summary judgment may be rendered on liability alone, even if there is a genuine issue on the amount of damages."

Therefore, for the reasons stated in Plaintiff's Motion for Partial Summary Judgment as to Liability of Defendant TransAm Trucking, Inc., and the Defendant having no opposition, the Motion as to liability is **GRANTED** pursuant to Rule 56(d)(2).

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: May 28th, 2009.